IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1624 OF 2007

1.Ganesh @ Bapu Laxman Chavan, &
2.Sunil Ramchandra Chavan. ...Applicants.

Versus

The State of Maharashtra ...Respondent.

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Mr.P.G.Kathane & Hagare, Adv. for the Applicants.
Mr.K.V.Saste, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.
DATED : 21st June, 2007.

P.C.:

1. Heard the learned Advocate for the Applicants and the learned APP for the State.

2. The applicants are seeking bail in C.R.No.110 of 2006 Baramati City Police Station. The said case is mainly under Section 302 of IPC.

3. It is the prosecution case that the present applicant along with 13 others caused death of Abhijit Ashok Bhosale and caused injuries to Bharat, Vaibhav, Sushil and Vikas.

4. The learned Advocate for the applicants has

submitted that coaccused Sohel Dilip Shelar has been released on bail by this Court and the case of the present applicants stands on the same footing as that of Sohel Shelar. As far as this aspect is concerned, I have perused the order dated 10.4.2007 whereby Sohel Shelar came to be granted bail. In the said order it is mentioned that Sohel Shelar was not armed with any weapon as at that time, the statements of injured witnesses Vaibhav, Sushil and Vikas were pointed out to the Court and none of these three witnesses had attributed any weapon to Sohel Shelar. At that time the statement of eye witness Bharat was not pointed out to the Court.

5. However, the learned APP has pointed out that besides injured witnesses Vaibhav, Sushil and Vikas, the statement of Bharat who is also an injured witness has been recorded. Bharat has stated that all the accused persons including the applicants came to the spot armed with swords and iron rod. All the witnesses have named the present applicants. All of them have stated that the persons who came to the spot assaulted

deceased Abhijit. The statement of Bharat shows that the applicant was armed with weapon and from the statement of the eye witnesses it is clear that the applicants also assaulted Abhijit. Abhijit has sustained six injuries on his person and the four witnesses i.e. Bharat, Vaibhav, Sushil and Vikas have also sustained grievous injuries. Looking to all these facts, I am not inclined to grant bail to the applicants.

6. Application is rejected.

(SMT.V.K.TAHILRAMANI,J.)